	Case 1	0-20934	Doc 21	Filed 05/16/10 Document	Entered 05/16/10 13:35:15 Page 1 of 2	Desc Main
1		M. Waite, ar No. 899	-			
2	R. Samuel Ehlers, Esq.					
3	Utah Bar No. 10928 THE COOPER CASTLE LAW FIRM					
4	A Multi-Jurisdictional Law Firm 678 Vine Street, Unit 10					
	Murray, UT 84107 (801) 302-5486/(801) 263-7856 (facsimile)					
5	Loan No. xxxx7861/ Our File No. 10-04-5023-UT					
<ul><li>6</li><li>7</li></ul>	Attorney for Secured Creditor Washington Mutual Bank, FSB and any successors and/or assigns, Green Tree Servicing, LLC as Servicer					
	UNITED STATES BANKRUPTCY COURT					
8	DISTRICT OF UTAH					
9	In re:	KENNE	ΓΗ ALAN	RALPHS	CHAPTER 7	
10			LE C. RAL	PHS	BANKRUPTCY NO.:	10-20934-RKM
11			Debtor	(S)	DATE: May 19, 2010 TIME: 10:00 AM	
12					RE: 1973 SKYLINE I VIN: 019412G	D17
	REPLY TO DEBTORS' RESPONSE TO MOTION FOR RELIEF					
13		<u>R</u>	EPLY TO	DEBTORS' RES		<u>ELIEF</u>
	TO:	KENNE'	TH ALAN	RALPHS AND	SPONSE TO MOTION FOR R CAMILLE C. RALPHS, DEBT	OR(S)
13	TO: TO: TO:	KENNE' JACOB	TH ALAN R. POWE	RALPHS AND	SPONSE TO MOTION FOR R CAMILLE C. RALPHS, DEBT RNEY FOR THE DEBTOR(S)	OR(S)
13 14 15	TO: TO: TO:	KENNE JACOB PHILLII ALL IN	TH ALAN R. POWE P G. JONE FERESTE	RALPHS AND OLL, ESQ., ATTO ES TR., CHAPTE D PARTIES	SPONSE TO MOTION FOR R CAMILLE C. RALPHS, DEBT RNEY FOR THE DEBTOR(S) CR 7 TRUSTEE	OR(S)
13	TO: TO:	KENNE JACOB PHILLII ALL IN	TH ALAN R. POWE P G. JONE FERESTE	RALPHS AND OLL, ESQ., ATTO ES TR., CHAPTE D PARTIES	SPONSE TO MOTION FOR R CAMILLE C. RALPHS, DEBT RNEY FOR THE DEBTOR(S)	OR(S)
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13 14 15 16 17	TO: TO: TO: TO:	KENNET JACOB PHILLII ALL INT THE CL	TH ALAN R. POWE P G. JONE FERESTE ERK OF	RALPHS AND OLL, ESQ., ATTO ES TR., CHAPTE D PARTIES THE ABOVE-EN or, Washington Mu	SPONSE TO MOTION FOR R CAMILLE C. RALPHS, DEBT RNEY FOR THE DEBTOR(S) CR 7 TRUSTEE	ors and/or assigns,
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13 14 15	TO: TO: TO: TO: Green	KENNE' JACOB PHILLII ALL INT THE CL Secu	TH ALAN R. POWE P G. JONE TERESTE ERK OF Tred Credito cing, LLC	RALPHS AND OLL, ESQ., ATTO ES TR., CHAPTE D PARTIES THE ABOVE-ENOT, Washington Mutas Servicer, hereby Automatic Stay.	SPONSE TO MOTION FOR R CAMILLE C. RALPHS, DEBTORNEY FOR THE DEBTOR(S) CR 7 TRUSTEE VTITLED COURT utual Bank, FSB and any successe	ors and/or assigns, o Secured Creditor's
13 14 15 16 17 18 19	TO: TO: TO: TO: Motion	KENNET JACOB PHILLII ALL INT THE CL Secu Free Service for Relief	TH ALAN R. POWE P G. JONE TERESTE ERK OF Tred Credito Cing, LLC Trom the A	RALPHS AND OLL, ESQ., ATTO ES TR., CHAPTE D PARTIES THE ABOVE-EN or, Washington Mutas Servicer, hereby Automatic Stay.	CAMILLE C. RALPHS, DEBTORNEY FOR THE DEBTOR(S) CR 7 TRUSTEE  TITLED COURT  utual Bank, FSB and any successory reply to the Debtors' response to	ors and/or assigns, o Secured Creditor's
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Motion for Relief, at § 4(c)(v). See also Mobile Home Fixed Rate Note, which is annexed to Motion for Relief, at § 6(E). The existence of a contract which allows for attorney fees after default justifies an award of attorney fees here.

Debtors appear to be seeking sanctions under Rule 9011 because Secured Creditor requested an attorney fees amount in the Motion for Relief. There is no basis for sanctions under Rule 9011 because the contents of the Motion for Relief are and were accurate and accurately represented to the Court. As stated above, the parties' contracts allow for an award of attorney fees. Debtor's cite *In re Nair*, 320 B.R. 119, 121 (Bankr. S.D. Tex. 2004), in support of their request. The cited case, *In re Nair*, was a chapter 13 case where the secured creditor sought to have its attorney fees treated as a priority claim after relief from the stay was granted through an agreed-upon order. Secured Creditor here is not seeking any such thing. The attorney fees amount set forth in the Motion for Relief are allowed by the contract and support relief from the stay here.

Debtors also allege that the collateral which secured Secured Creditor's loan has been disposed of with Secured Creditor's permission. No proof of said permission is provided with the Response. It is unlikely that Secured Creditor would be seeking relief here had it given Debtors or any other owner of the collateral permission to dispose of the collateral. Debtors seek sanctions against counsel for Secured Creditor for seeking an award of attorney fees in a motion for relief on under-secured claim. Not only are attorney fees allowed under the Parties' contract, but the claim may not be secured at all because the collateral was apparently destroyed and then disposed of by Debtors or their agents. The Court should grant the Motion for Relief.

Date: May 16, 2010

/s/ Aaron M. Waite, Esq.

Aaron M. Waite, Esq. R. Samuel Ehlers, Esq. THE COOPER CASTLE LAW FIRM A Multi-Jurisdictional Law Firm 678 Vine Street, Unit 10 Murray, UT 84107